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REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION: TRANSFER OF HIGH TECHNOLOGY WITH MILITARY APPLICATIONS

Report of the Secretary-General

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I. INTRODUCTION

1. On 6 December 1991, the General Assembly adopted resolution 46/38 D, entitled "The transfer of high technology with military applications", the operative part of which reads, inter alia, as follows:

> "The General Assembly,
>
> "...
>
> "2. Invites all Member States to make available to the Secretary-General pertinent information and comments on this subject, taking into account arrangements, laws and regulations related to international transfers of high technology with military applications, as appropriate;
>
> "3. Requests the Secretary-General to submit a report to the General Assembly at its forty-seventh session, taking into account the information and comments transmitted by Member States."

2. Pursuant to paragraphs 2 and 3 of the resolution, the Secretary-General, in a note verbale dated 26 February 1992, requested all Member States to make available to him pertinent information and comments on this subject by 15 April 1992. Accordingly, the Secretary-General submits herewith the information or comments received thus far, namely, from Brazil, Canada, Denmark, 1/ France, Germany, Lithuania, Norway, Panama, Spain and the United kingdom of Great Britain and Northern Ireland. Other replies on this item will be issued as addenda to this report.

1/ In a note verbale addressed to the Secretary-General, dated 18 June 1992, Denmark provided information regarding the subjects of international arms transfers, transparency in armaments and transfer of high technology with military applications. That information is contained in the report of the Secretary-General on international arms transfers (A/47/314), under item 61 (i) of the provisional agenda.

II. REPLIES RECEIVED FROM GOVERNMENTS

BRAZIL

[Original: English]

[20 April 1992]

Information and comments on the subject of the transfer of high technology with military applications

A. General information on arrangements, laws and regulations related to the international transfer of high technology with military applications

1. Among the fundamental principles enshrined in the Constitution that guide the action of Brazil in its international relations are the upholding of peace and the promotion of cooperation among all peoples for the progress of mankind. Brazil's peaceful vocation is reflected in its permanent disposition for dialogue and equalitarian understanding among all members of the international community, as well as in the fact that the country has one of the lowest ratios of military expenditures in relation to its gross domestic product.

2. Together with other Latin American countries, Brazil has succeeded in consolidating a model relationship of cooperation and integration, at various levels, which it is determined continuously to promote. Through different international arrangements - the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), the Antarctic Treaty, the Zone of Peace and Cooperation of the South Atlantic, the River Plate Basin Treaty, the Amazon Cooperation Treaty - we have contributed to the establishment of a high degree of political confidence in a large area which encompasses Latin America and the Caribbean and Africa. Within this area, external military threats do not constitute a major factor.

3. In the disarmament field, the Brazilian position is based on the perception that the adoption of effective measures for the limitation and elimination of nuclear weapons and other weapons of mass destruction is an essential element for the maintenance of international peace and security. In this sense, the Constitution provides that "all nuclear activity within the national territory shall only be admitted for peaceful purposes and subject to approval by the National Congress" (article 21, XXIII, a). Brazil has unilaterally renounced the carrying out of any kind of nuclear explosion, even for peaceful purposes. This commitment was solemnly announced by President Fernando Collor in his address to the United Nations General Assembly in 1990 (A/45/PV.4).

4. Brazil recognizes the importance of current efforts to promote the non-proliferation of weapons of mass destruction in all its forms and supports the adoption of effective measures to be observed by the international community on a universal and non-discriminatory basis. It understands that

the adoption of these measures must be closely related to the efforts by the international community towards the general and complete elimination of these weapons, in order not to condone the possession, by some countries, of weapons and weapon systems the acquisition and use of which are condemned by the international community as a whole.

5. Besides being a party to the Antarctic Treaty, and having signed and ratified the Treaty of Tlatelolco, Brazil is also a party to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (1925 Geneva Protocol); the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (Partial Test Ban Treaty); the Treaty on Principles Governing the Activities of States in Outer Space (Outer Space Treaty); the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof (Sea-Bed Treaty); the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (Biological Weapons Convention), and the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD Convention). Brazil has also been participating actively in the negotiations on a Chemical Weapons Convention at the Conference on Disarmament. Furthermore, it participates in and strives for the implementation of effective equitable and non-discriminatory disarmament measures, particularly with reference to nuclear weapons and other weapons of mass destruction.

6. Brazil has spared no efforts in order to consolidate Latin America and the Caribbean as a region free from nuclear weapons and other weapons of mass destruction. In this connection, Brazil is implementing the programme established by the Argentinian-Brazilian Declaration on a Common Nuclear Policy, signed at Foz do Iguaçu on 28 November 1990, which is one of the cornerstones of its nuclear policy. In this regard, Brazil and Argentina signed the Agreement on the Uses of Nuclear Energy Exclusively for Peaceful Purposes, on 18 July 1991, under which they commit themselves not to build or acquire explosive nuclear devices. The Agreement establishes the Common System for Accounting and Control of Nuclear Materials (SCCC) and sets up the Argentinian-Brazilian Agency for Accounting and Control of Nuclear Materials (ABACC) for the implementation of joint safeguards. The SCCC Agreement has already entered into force. Then, on 13 December 1991, an agreement for the application of safeguards was signed by Argentina, Brazil, ABACC and the International Atomic Energy Agency (IAEA) (IAEA/GOV/2557). This quadripartite agreement includes, in articles 12 and 89 to 96, mechanisms specifically related to the control of transfers of safeguarded material, which may be exported only if submitted to IAEA safeguards in the importing country.

7. Brazil has actively participated in efforts aimed at the full entry into force of the Tlatelolco Treaty. Together with Argentina and Chile, it has proposed to the States parties technical amendments to the Treaty, one of which consolidates the role of IAEA in carrying out special inspections in nuclear facilities of the countries of the region, in accordance with the safeguards agreements concluded with the Agency.

8. As one of the original signatories, together with Argentina and Chile, of the Joint Declaration on the Complete Prohibition of Chemical and Biological Weapons (Mendoza Declaration), which is opened for accession to all countries of the region, Brazil has further contributed to the strengthening of international security, thus reaffirming the leading role of Latin America in the quest for a world free of nuclear weapons and other weapons of mass destruction. The accession of Uruguay, Paraguay, Bolivia and Ecuador to the Mendoza Declaration bears witness to the relevance of this trilateral initiative.

9. The Brazilian Government is in the process of strengthening its internal legislation concerning the import and export of products and services related to military, nuclear and dual-use items. A draft bill aimed at strengthening the competence of the executive branch of the Government in this field is currently under consideration by the Congress. It aims at complementing the procedures already in place for the regulation of the import and export of military and nuclear items. This draft bill calls for the preparation of import and export lists which will determine which items shall be subject to regulation. The transfer of products and services included in such lists will be subject to the approval of the competent governmental authorities. The draft bill envisages the establishment of an international import certificate (CII) and of a delivery verification certificate (CVE), both of them aimed at regulating the import of products subject to a non-re-export commitment. The draft bill also outlines the administrative and criminal sanctions applicable to violators.

10. The Brazilian Government has furthermore taken additional steps to impart greater transparency to activities related to sensitive technology, such as the decision to establish the Brazilian Agency for Space Activities under civilian control. Within this new, more efficient and modern institutional structure, Brazil will continue to develop its space activities for exclusively peaceful purposes.

B. Specific comments on the subject of the transfer of high technology with military applications in the light of General Assembly resolution 46/38 D

11. Brazil is well aware of the risks involved in the use of high technology products and services with possible application in nuclear weapons and other weapons of mass destruction. It proposes the establishment of transfer control mechanisms that are efficient, universal and transparent. For these mechanisms to be efficient, they must take into account both legitimate security concerns and the legitimate needs of access to high technologies for exclusively peaceful purposes, indispensable for economic development.

12. This concept is the main thrust of the working paper entitled "International transfer of sensitive technologies" (A/CN.10/145), submitted by Argentina and Brazil to Working Group IV during the 1991 substantive session of the Disarmament Commission. The wide range of issues then discussed

reflects the importance and complexity of the elements involved, many of which had never before been discussed in a systematic way in the United Nations.

13. At its 1991 session, Working Group IV of the Commission expressed interest in continuing to work on the subject of the transfer of high technology with military applications bearing in mind the proposal for seeking universally acceptable international norms or guidelines that would regulate such transfer.* Taking note of this interest, the General Assembly recognized, in its resolution 46/38 D, that norms or guidelines for the transfer of high technology with military applications should take into account legitimate requirements for the maintenance of international peace and security, while ensuring that they do not deny access to high technology products, services and know-how for peaceful purposes.

14. According to the method of work of the Disarmament Commission, deliberations on this subject are to be further developed at the 1992 session, with a view to concluding its work with the adoption of the appropriate guidelines or recommendations at the 1993 session. Brazil hopes that working document A/CN.10/145, together with other documents that may be presented, may contribute to focus the discussions of the 1992 session, with a view to ensuring that work proceeds in a more concrete and operational manner.

15. In the context of the Disarmament Commission deliberations on the subject, as reflected in the report of Working Group IV, it was also suggested that, bearing in mind the competence of other relevant bodies, issues for further consideration may include the following:

(a) The relation between existing supplier regimes and the proposal for universal norms;

(b) The issue of wider participation in existing regimes;

(c) The question of the definition of dual-use technologies;

(d) The promotion of transparency of regulations, procedures and transfers;

(e) The scope of international norms;

(f) The nature of monitoring, control and verification aspects of such regimes.

16. The outcome of the deliberations of the Disarmament Commission on this subject could be arranged in a systematic way under the following categories:

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* Official Records of the General Assembly, Forty-sixth Session, Supplement No. 42 (A/46/42), para. 42.

(a) Objective: the drafting of general principles and guidelines on the transfer of high technology products and services with application in nuclear weapons and other weapons of mass destruction.

(b) Parameters:

(i) The maintenance of international peace and security;

(ii) The contribution for the process of arms limitation and disarmament;

(iii) The promotion of unimpeded access for legitimate purposes.

(c) Principles: non-discrimination, transparency, equity, predictability, effectiveness and reciprocity of benefits and obligations.

(d) Scope:

(i) Concrete items to be covered;

(ii) The relationship with existing regimes;

(iii) The role of the United Nations.

(e) Mechanisms:

(i) For transparency of rules and procedures;

(ii) For monitoring, control and verification;

(iii) For unimpeded access to high technologies products and services for legitimate purposes.

(f) Processes: initiatives that could result from the adoption of a substantive document by the Disarmament Commission.

17. As far as the relationship between existing regimes and the adoption of universal norms is concerned, Brazil's position is reflected in document A/CN.10/145, submitted jointly with Argentina. Brazil believes that the adoption of universally negotiated and accepted norms and guidelines would allow for the attainment of the objective defined in General Assembly resolution 46/38 D, in a manner more transparent and equitable than the partial approach currently adopted by existing regimes.

18. The adoption of transparent norms on the transfer of high technology products and services with application in nuclear weapons and other weapons of mass destruction, with a reciprocity of benefits and obligations would ensure their effectiveness and predictability. Rules that are transparent and operationally precise would entail the desired features of being reliable and verifiable.

19. In the field of security, the existing regimes try to respond in an insufficient manner to the need for broader and more effective mechanisms and generate undesirable distortions, as was pointed out in working document A/CN.10/145. The adoption of an open and transparent regime for those transfers would be more effective and strengthen international confidence.

20. Brazil, as other countries, evaluates the convenience of carrying out specific transfers of high technology products and services in the light of its internal norms - the improvement of which is being sought by new draft legislation which has been submitted to the Congress. It is Brazil's understanding, nevertheless, that the establishment of transparent and effective international norms would allow for a more ready flow of legitimate international exchanges in this field, thus positively affecting economic growth and social development.

21. The harmonization of each country's internal procedures with internationally negotiated guidelines would contribute to the strengthening of confidence and would ensure that legitimate requirements for the maintenance of peace and security and for access to high technology products and services for peaceful purposes are met.

22. The issue of wider participation in existing regimes is another question that was raised by the Disarmament Commission. It relates to the conditions for participating in such regimes, as well as those that could serve as a basis for a possible broadening of participation in those regimes. Both aspects, a broader participation in the existing regimes and the improvement of norms and guidelines regulating the issue, should be considered in the light of the interest of the international community to prevent the proliferation, in all its forms, of nuclear weapons and other weapons of mass destruction, and to permit unimpeded access to and the constant flow of legitimate trade in high technology products and services.

23. Owing to its complexity, the subject also gives rise to questions relating to the scope of the norms and guidelines to be adopted, such as the establishment of common principles for all technological areas or the consideration of specific rules for each different technological area, as is the case with existing regimes. These two perspectives do not seem, however, to be mutually exclusive. General principles could constitute the framework for the negotiation of specific norms and guidelines for different technological areas.

24. The international community is gaining increasing experience in questions related to the monitoring, control and verification of arms limitation and disarmament measures. Examples of such experience can be found, inter alia, in the various initiatives in the field of verification within the United Nations, in particular the principles on verification developed by the Disarmament Commission. Those principles may serve as a basis for the present deliberations of the Commission. In this connection, the role of the United Nations is evident, in the light of the experience and legitimacy of the Organization.

25. Some proposals have been put forward on the issue of monitoring. Their implications on the legitimate transfer of high technology products and services should be considered by the Disarmament Commission. In working document A/CN.10/145, Brazil and Argentina suggested that the United Nations should maintain an inventory, as complete and updated as possible, of restrictions affecting such transfers. The establishment of a system of registry for transfers which may have applications for nuclear weapons and other weapons of mass destruction has also been suggested.

26. In this connection, the discussion in Working Group IV of the Disarmament Commission on the promotion of international cooperation in the use of scientific and technological achievements for the verification of arms limitation and disarmament measures is also relevant. Broadening access to the scientific and technological basis of verification mechanisms could contribute to strengthening the reliability of monitoring, control and verification systems.

27. Brazil reaffirms its hope that the deliberations of Working Group IV of the Disarmament Commission, at its 1992 session, will be of a more operational nature, so as to permit a successful conclusion of its work and the adoption in 1993 of principles and guidelines that would contribute to international peace and security and facilitate unimpeded access to technologies for the promotion of economic and social development.

CANADA

[Original: English]

[13 April 1992]

Canadian export control law and policy with respect to exports of high technology with military applications

Legislation:

1. Canada controls the export of goods and technology under the Export and Import Permits Act and its Regulations. One of the Regulations is the Export Control List (ECL) which comprises eight Groups of controlled goods and technologies, as follows:

Group 1 COCOM Industrial List

Group 2 COCOM Munitions List

Group 3 COCOM Atomic Energy List

Group 4 Nuclear Non-Proliferation List (Zangger and Nuclear Suppliers Group and Non-Proliferation Treaty commitments)

Group 5 Miscellaneous

Group 6 Missile Technology Control Regime List (MTCR)

Group 7 Chemical Weapons Non-Proliferation List (Australia Group)

Group 8 Chemicals for the production of illicit drugs (Chemical Action Task Force)

2. The first three Groups represent Canada's commitment to the Coordinating Committee for Multilateral Strategic Export Controls (COCOM). Group 2, Munitions, includes those goods and technologies which are specially designed for military use. Groups 1 and 3, Industrial List and Atomic Energy List, respectively, include high technology, dual-use civilian goods which could be used in a military application. Groups 4, 6 and 7 reflect Canada's commitments to various non-proliferation regimes and many of the goods identified in these Groups could also have direct or indirect military applications. In addition, each of the eight Groups, with the exception of Groups 5 and 8, have their own unique controls over technologies or technical data in material form.

3. All the goods and technologies noted in any of the ECL Groups require export permits (licences) before such goods or technologies may be exported to any destination. With the exception of Groups 3 and 4, and some items in Group 5, the permit requirements are waived if the goods or technologies are destined for the United States.

4. Failure to be in possession of export permits when required is an offence under the Export and Import Permits Act, the Criminal Code and the Customs Act. Penalties, including fines and/or incarceration, are provided in the legislation for violations.

Policies:

5. Overriding Canadian policy closely controls the export of Group 2, Munitions, to the following country groups:

(a) To countries which represent a threat to Canada or its allies;

(b) To countries involved in or under imminent threat of hostilities;

(c) To countries subject to United Nations Security Council sanctions;

(d) To countries with persistent records of serious violations of the human rights of their citizens.

6. In addition, Canadian Government policy is designed closely to control a wide range of dual-use goods, especially those contained in Groups 4, 6 and 7, the so-called non-proliferation Groups. Only after Canadian commitments have

been satisfied with respect to the Non-Proliferation Treaty, the Missile Technology Control Regime and the Australia Group would consideration be given for approving proposed exports.

7. Generally speaking, it is Canadian policy to obtain appropriate end-use assurances issued by the Government of the importing company before approving the export of controlled goods or technologies, and especially for those items that have a direct military application. Such assurances would include the name of the importer, the end-user and the specific end-use of the goods. On some occasions, the certification may also include a statement that the goods will be used solely for civilian purposes and will not be used, directly or indirectly, by the military or paramilitary forces. In all cases in which end-use assurances are required, the importer must certify that the goods will not be diverted en route or re-exported upon arrival.

8. Proposed exports of high technology items with military applications to countries other than those which are close defence allies, are generally subject to a thorough interdepartmental review to ensure that there are no overriding security or foreign policy concerns that would suggest that the export should not be approved.

FRANCE

[Original: French]

[15 May 1992]

The French arms transfer control system

1. Since the decree-law of 18 April 1939, the French legal regime for the control of arms exports has been based on a general principle of prohibition, exceptions to which are granted by the governmental authorities on a case-by-case basis. It is accompanied by a regime of severe penalties (fines, terms of imprisonment) on individuals or companies contravening the provisions of the regulations.

2. Authorization of industrial companies to engage in trade, the authorization to conduct business dealings and the export of military equipment are, without exception, the subject of prior governmental decisions. The list of equipment in question is established by interministerial order, the most recent of which, dated 20 November 1991, is attached to the present reply as annex I.* It will shortly be supplemented in the biological sphere. In this respect, it should be noted that in 1972 France incorporated in its legislation the provisions of the Convention on the

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* Annex I is available for reference in the Office for Disarmament Affairs of the Secretariat.

Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 10 April 1972, to which it acceded on 27 September 1984.

3. Unlike the majority of national systems in force in the world, the control exercised by the French Government over arms exports is conducted in three distinct phases.

(a) Control prior to the placing of an order

4. Each phase in an exporter's business dealings - seeking a potential market, submitting a tender and negotiating a contract, signature of contract or acceptance of an order - is dependent on obtaining a prior authorization from the Prime Minister, which is issued in the light of the findings of a special interministerial commission (the Interministerial Commission for the Study of Military Equipment Exports (CIEEMG)).

5. This Commission, established by decree of 16 July 1955, comprises representatives of the Ministry of Foreign Affairs, the Ministry of Defence and the Ministry of Finance. Its decisions are taken in the light of military, diplomatic and economic considerations, periodically reviewed under the authority of the Prime Minister:

(a) Military considerations, for it would not be acceptable for French weapons sold to a country to be able to influence the immediate security of French territory or the security of our armed forces and those of allied countries;

(b) Diplomatic considerations, for the French arms export policy must be consistent with our foreign policy, our international commitments and our analysis of international balances;

(c) Economic considerations, for the sale of military equipment must be compatible with the financial and indeed technological capacity of the purchasing country.

6. In virtually all cases, the prior authorizations that are issued specify as a condition for the conclusion of the contract in question that the purchasing country should undertake not to re-export the equipment without the prior consent of the French Government.

7. In respect of seeking a market and negotiating a contract, prior authorizations are valid for three years, but their duration is limited to only one year for the signature of the contract in order to allow better account to be taken of developments in the purchasing country's situation.

(b) Control prior to delivery of the equipment

8. Despite its exhaustive nature, the control exercised by the French Government over arms exports is not confined to authorizing each of the stages in the business dealings.

9. After the signature of the contract, the equipment ordered cannot leave French territory without the issue by Customs of a specific export permit (the military equipment export permit) issued once the Ministries of Defence, Foreign Affairs and Finance have given their consent. To obtain this permit, the exporter must submit a copy of his contract to the Ministry of Defence in order for the latter to verify its conformity with the prior authorization, as well as the undertaking of the purchasing country not to re-export the equipment.

10. This permit, which may apply to all equipment covered under the contract even if the deliveries are spread over time, is valid for one year. Upon the expiry of this period, a company which has not exported all the equipment is required to make a new application to extend the validity of the permit.

11. It should be noted that the effectiveness of the French system lies also in the fact that the granting of authorization prior to the signature of a contract does not preclude the possibility of the French Government, at its discretion, refusing to issue the corresponding export permit allowing physical exit from the territory, or to extend its validity.

12. Likewise, the Government requires no justification under law for withdrawing prior authorizations or export permits that have been issued.

(c) Verification of delivery of equipment

13. Apart from the customs formalities which apply to all exports of equipment, clearance of military equipment through customs gives rise to the issuance of a specific administrative document, the customs clearance notice. This notice is forwarded to the control authorities in the Ministry of Defence.

14. To these arrangements is added, in the nuclear field, a notice to exporters concerning products whose export is not permitted (substances, equipment and large nuclear units). By these notices, the most recent of which, published in the Official Journal of the French Republic of 12 August 1988, is attached as annex II,* exporters are informed that, with a view to the implementation of the policy designed to prevent the proliferation of nuclear weapons, tighter controls are exercised on the export of the products, substances and equipment specified in the lists attached to the notice.

15. Lastly, another notice to importers and exporters, also periodically revised, deals with products and technologies subject to specific controls in the light of the end destination (the most recent version of this notice was published in the Official Journal of the French Republic (administrative documents) of 24 January 1992).

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* Annex II is available for reference in the Office for Disarmament Affairs.

GERMANY

[Original: English]

[27 April 1992]

Arrangements, laws and regulations of the Federal Republic of Germany related to international transfers of high technology with military applications

1. Germany has long since had regulations to control the export of advanced-technology goods for military purposes. Under these regulations, both the goods themselves and their manufacturing documents, as well as certain technologies, require an export licence. Passing on knowledge relating to the production of goods which can be used for military purposes has also been subject to export controls for quite some time now.

2. Since the beginning of 1989, Germany has been introducing a comprehensive reform of the whole legal and administrative system of export controls. The aim of the reform is to prevent the production of dangerous armaments, particularly of weapons of mass destruction, from being advanced in areas of tension in the world through uncontrolled exports of sensitive goods.

3. Another focus of the reform is stricter registration of exports involving technologies with a wide range of uses which could be employed for military purposes. Since 1989, the Federal Government has continually been adding to its Export Control List and has made technologies, technical data and processes, as well as goods which require an export licence subject to an extended national authorization requirement. The control now also includes passing on sensitive data-processing programs (software).

4. Services rendered by Germany abroad in connection with armaments are also subject to official authorization, especially activities by German experts abroad related to missile projects, components designed specifically for that purpose and particularly developed computer programs. Authorization must be obtained for all missiles designed to carry weapons.

5. Furthermore, all exports of manufacturing documents are subject to control in so far as they relate to goods intended for the construction or operation of a facility which produces, modernizes or services weapons, munitions or armaments.

6. Moreover, the legislation to prevent illegal transfer of technology was considerably improved by an act adopted by the Bundestag on 14 February 1992 reforming the Foreign Trade and Payments Law.

7. As a deterrence, existing penalties have been considerably increased. In particularly serious cases of crime involving foreign trade, the courts can impose a sentence of up to 15 years in prison. A special criminal offence

with the same range of penalties was created for violations of United Nations embargo resolutions. The high minimum penalty of two years means that a suspended sentence is not possible.

8. In order to ensure more effective protection from illegal exports, the supervisory authorities have also been granted powers, on the strength of a court order and under parliamentary supervision, to monitor correspondence, post and telephone communications as soon as there is prima facie evidence that illegal exports are being planned. In addition, the Federal Minister of Economics has been authorized to intervene in individual cases of particular urgency in the field of foreign trade and payments through an administrative ordinance even if there is no general export authorization requirement. This is to ensure swift action in cases where the export of sensitive goods is imminent.

9. The Federal Government has long been working within the framework of international bodies towards the harmonization of controls relating to technology exports and intends to intensify further its international cooperation.

10. In particular, the Federal Government supports international efforts aiming at strengthening the safeguards of the International Atomic Energy Agency (IAEA). It has also actively contributed to the new "Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material and Related Technology" adopted by the Nuclear Suppliers Group on 3 April 1992.

11. The Federal Foreign Minister has played a decisive role in the initiative for creation of an International Science and Technology Centre. The Centre will provide incentives for the peaceful application of expertise in the field of weapons of mass destruction and thus contribute to preventing the further proliferation of these weapons.

12. Regarding this initiative and other proposals concerning possible international and United Nations action against proliferation of weapons of mass destruction and of related technology, the conversation of the Secretary-General with Federal Foreign Minister Genscher on 23 January 1992 and the letter dated 24 January 1992 from the Permanent Representative of Germany to the United Nations addressed to the Secretary-General may be recalled.

LITHUANIA

[Original: English]

[14 April 1992]

The Lithuanian armed forces are equipped exclusively with simple light weapons since their task is limited to the defence of borders, airspace and territorial waters. Industrial research and development of electronic and

other advanced equipment has ceased almost entirely in Lithuania owing to financial constraints resulting from a difficult transition from a centrally planned to a market economy. Thus, during the past two years, since the Declaration of Restoration of Lithuania's Independence, the issue of international transfers of high technology with military applications has not arisen in Lithuania.

NORWAY

[Original: English]

[21 April 1992]

Norway's export control on dual-use goods and technology

1. The legal basis of Norway's export control on dual-use items and technology is the Act of 18 December 1987 relating to the control of the export of strategic goods, services and technology, etc. (ref. annex I)* and the Regulations of 10 January 1989 relating to the implementation of control of the export of strategic goods, services and technology, laid down by the Ministry of Foreign Affairs (ref. annex II).*

2. The Ministry of Foreign Affairs is responsible for the licensing of exports of such items. The control does not only cover goods, but also technology and services. Thus, the permission of the Ministry of Foreign Affairs is required to export technology, all forms of technical information and production rights.

3. Norway joined the Coordinating Committee for Multilateral Strategic Export Controls (COCOM) when it was established in 1950 and controls the exports of certain high-technology, dual-use items and technology in accordance with decisions taken in this multilateral forum.

4. With a view to preventing further proliferation of chemical weapons, and on the basis of Norway's participation in the Australia Group, Norway has implemented export control on an erga omnes basis of a total of 54 chemical weapons precursors and dual-use chemical manufacturing facilities and equipment, and related technology.

5. Agents and equipment which can be used to produce biological weapons are not subject to ordinary export control. However, the export of such agents and equipment for military purposes to areas where there is a war or the threat of war or to countries where there is a civil war requires an export licence.

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* Annexes I and II are available for reference in the Office for Disarmament Affairs.

6. Norway adhered to the Missile Technology Control Regime (MTCR) on 1 January 1991. Norway has initiated export control in accordance with the Regime's Guidelines for sensitive missile-relevant transfers and its Equipment and Technology Annex.

7. Exports from Norway of nuclear-related dual-use equipment, material and related technology will be subject to control as from 1 January 1993 in accordance with the agreement reached at the meeting of the adherents to the Nuclear Suppliers Group held at Warsaw from 31 March to 3 April 1992.

8. Norway's participation in the Missile Technology Control Regime and the Nuclear Suppliers Group is a part of her support for international efforts aimed at halting the proliferation of nuclear weapons.

PANAMA

[Original: Spanish]

[4 May 1992]

1. In this respect, I wish to inform you that the Government of the Republic of Panama, as a member State of the Conference on Disarmament and the Organization for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, recognizes the efforts made by these organizations in the process of strengthening the system of peace, security and cooperation.

2. In this connection the Government of Panama, in reorganizing the Public Forces under Decree No. 38 of 10 February 1990, has taken important steps to halt the proliferation of military armaments. Particular mention should be made of the Government's decision to limit the equipment of the National Police to the level necessary to maintain the security of the community and of citizens.

3. The Police Academy has been provided with only one piece of high-technology equipment for the purpose of facilitating the training of new agents; it has a shooting simulator to train agents in the use of regulation sidearms, and a computer which scores their performance.

SPAIN

[Original: Spanish]

[3 April 1992]

The transfer of technology with military applications has been regulated in Spain by the following legislative provisions:*

- Royal Decree 2701/1985 regulating the export trade, article 4 of which refers to the export of defence materials and the re-export of dual-use technology;

- Royal Decree 488/1988, which regulates foreign trade in defence materials and dual-use products and technologies and establishes the Interministerial Regulatory Board on Foreign Trade in Defence Materials and Dual-Use Products and Technologies, as well as the Special Register of Exporters of Defence Materials and Dual-Use Products and Technologies. This Royal Decree provides for an administrative export permit for operations involving the export and re-export of defence materials and dual-use products and technologies;

- Order of the Ministry of the Economy and Housing of 28 May 1990 which, inter alia, establishes a list of products excluded from the open licence for the export of dual-use products and technologies.

The texts of these legislative provisions are attached.

The Government of Spain has also approved the submission to the Cortes (Parliament) of a bill on offences and violations involving the export of defence materials or dual-use materials (including technologies designed or modified for military use or which may be applied to such use).

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

[20 May 1992]

1. The transfer from the United Kingdom of documents of software containing information relating to the design, production or use of goods, or to technologies or processes with military applications is subject to control

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* The documents are available for reference in the Office for Disarmament Affairs.

under the provisions of the Export of Goods (Control) Order.* This Order, which is revised regularly, also imposes controls on the export of all materials, equipment, components, assemblies and finished products whose export from the United Kingdom requires an export licence.

2. These export controls do not apply to technology which is already in the public domain, or to basic scientific research, or to that technology which is the minimum necessary for the installation, operation, maintenance (checking) and repair of products whose export has been authorized. But technology required for the development, production or use of a product under embargo remains itself under embargo even when applicable to another, unembargoed product.

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* The Export of Good (Control) Order 1991 is available for reference in the Office for Disarmament Affairs.